

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

In the Matter of	:	
	:	
Number Resource Optimization	:	CC Docket No. 99-200
	:	
Petition of the New Mexico Public Regulation	:	
Commission's Petition for Delegated Authority	:	
to Implement Additional Number Conservation	:	
Measures.	:	
	:	

**COMMENTS OF
THE PUBLIC UTILITIES COMMISSION OF OHIO**

On July 28, 2006, the Federal Communications Commission (FCC) released a public notice (notice) in CC Docket No. 99-200 inviting public input regarding the petition filed by the New Mexico Public Regulation Commission for authority to implement additional numbering resource optimization measures. Comments responding to the FCC's notice are due on August 14, 2006.

As part of its comments regarding the New Mexico petition, the Public Utilities Commission of Ohio (Ohio Commission) re-submits our prior comments in this docket where we supported the Oklahoma Corporation Commission's petition for delegated authority to implement additional number conservation measures (filed on November 29, 2004) and our prior comments responding to the FCC's Fifth Further Notice of Proposed Rulemaking ("FNPRM") (filed on March 15, 2006 in docket 99-200). The Ohio Commission's comments on the Oklahoma petition are

attached as “Appendix A” and our comments on the FNPRM are attached as “Appendix B”. The Ohio Commission requests that both sets of prior comments be incorporated by reference as the Ohio Commission’s comments in response to the New Mexico petition.

The comments previously filed by the Ohio Commission in response to the Oklahoma Corporation Commission’s petition, among other things, noted that allowing States to mandate pooling in local number portability-capable rate centers outside of the top 100 metropolitan statistical areas (“MSAs”) will delay the need for area code relief by more efficiently utilizing the numbering resources. The Ohio Commission’s comments filed in response to the FNPRM, among other things, further reiterated the need to extend mandatory thousands-block number pooling to rate centers outside the top 100 MSAs with specific emphasis on the urgent need to do so within the Ohio 740 and 937 numbering plan areas (“NPAs”). The Ohio Commission respectfully requests that the attached, previously-filed comments be docketed in this proceeding and considered responsive to the July 28, 2006 notice.

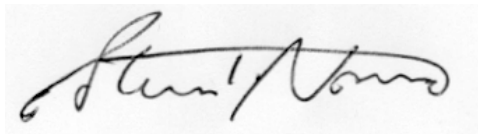
On August 17, 2005, the Ohio Commission filed a petition (attached as “Appendix C”) in docket 99-200 substantively similar to that of the New Mexico petition. As the Ohio petition was filed well before the New Mexico petition, the Ohio Commission wishes to take this opportunity to again respectfully request that the FCC act upon this petition as expeditiously as possible and grant both the Ohio Commission’s request that it be delegated authority to expand mandatory

thousands-block pooling to rate centers within Ohio that fall outside the top 100 MSAs as well as its request that all States be delegated authority to implement mandatory thousands-block number pooling throughout an entire NPA. In the year since the Ohio Commission first filed its petition, Ohio's 740 NPA has moved dangerously close to exhaustion. The ability of states to implement mandatory thousands-block pooling in situations such as this would give Ohio, and other States, an important tool for efficiently utilizing numbers and potentially delaying area code splits for years to come.

The Ohio Commission thanks the FCC for the opportunity to comment in this proceeding and appreciates the FCC's continuing consideration of its pending petition.

Respectfully submitted,

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Ohio Attorney General

A handwritten signature in black ink, appearing to read "Steven T. Nourse", written over a light gray rectangular background.

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Date Submitted: August 11, 2006

Before the
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of :
Number Resource Optimization : CC Docket No. 99-200

COMMENTS OF
THE PUBLIC UTILITIES COMMISSION OF OHIO

INTRODUCTION

On October 28, 2004, the Federal Communications Commission (FCC) released a Public Notice (notice) in the above-captioned proceeding inviting comments regarding the Oklahoma Corporation Commission's (Oklahoma's) petition for delegated authority to implement additional number conservation measures.

Oklahoma's petition proposes that the FCC expand the scope of the state's delegated authority to include mandatory implementation of thousands-block pooling for all rate centers, including those outside of the top 100 metropolitan statistical areas (MSA), in which two or more carriers operate that have implemented local number portability (LNP). Oklahoma maintains that such delegated authority will allow states to more efficiently assign existing numbering resources, minimize costs to subscribers, and avoid premature area code (NPA) exhaust.

Comments responding to Oklahoma's petition are due at the FCC on November 29, 2004. The Public Utilities Commission of Ohio (Ohio Commission) hereby submits its comments responding to the FCC's October 28, 2004 notice. The Ohio Commission supports the Oklahoma petition.

DISCUSSION

The Ohio Commission supports Oklahoma's request for additional delegated authority to order mandatory thousands-block number pooling in the "580" Numbering Plan Area (NPA). Without pooling in the more rural areas of a state, many numbers are left stranded in incumbent local exchange company (ILEC) rate centers with few access lines and become unavailable for assignment to other providers. If these stranded numbers were donated to a pool, they could be assigned by commercial mobile radio service (CMRS) providers, competitive local exchange companies (CLECs), as well as other service providers using new technologies. We agree with Oklahoma that allowing states to mandate pooling in local number portability (LNP)-capable rate centers outside of the top 100 MSAs will delay the need for area code relief by utilizing the numbering resources more efficiently.

Number optimization efforts, including LNP and number pooling, have proven to be successful in delaying both NPA and NANP (North American Numbering Plan) exhaust. Statistics provided by the North American

Numbering Plan Administrator (NANPA) and the National Pooling Administrator (PA) during the FCC Numbering Symposium held on November 4, 2004, illustrate this fact. Where technically feasible, the demand for full central office codes of 10,000 numbers (NXX) has now shifted to a demand for numbers in blocks of a thousand (NXX-X), thus helping to eliminate stranded numbers that would most likely not be assigned by one particular company if full NXX codes were issued. For example, as a result of the implementation of number pooling, the number of NXXs opened to replenish pools nationally is 2,890, while the number of NXX prefixes saved as a result of thousand-block number pooling is 12,617. The Ohio Commission notes that pursuant to the conservation tools of number portability and pooling, the NANPA has extended its forecasted national exhaust date from 2012 to 2035.¹

Ohio currently has 10 active NPAs and 7 MSAs in the top 100 MSAs. Consistent with the FCC's requirements (i.e., 47 CFR 52.23) all of Ohio's non-rural ILECs should have implemented LNP in response to CLEC/CMRS provider requests for LNP.² Similar to Oklahoma's representation that the demand for numbering resources is increasing in the rural areas, Ohio is experiencing an increase in the demand for numbering resources in our more

¹ Statistics reported by NeuStar during the FCC webcast of its Numbering Symposium on November 4, 2004.

² The PUCO currently has 23 pending applications seeking rural carrier exemptions specific to the provisioning of LNP.

rural areas as competition begins to move into Ohio's rate centers outside of the top 100 MSAs. For example, in Ohio's largest and most rural NPA ("740"), which encompasses almost half of Ohio's 88 counties, 155 "thousands" blocks have been assigned from the numbering pools in 2004, to date, in those portions of the NPA where either optional or mandatory pooling has been implemented. But for number pooling, instead of the 155,000 numbers allocated in 2004, 1,550,000 numbers would have been assigned. The Ohio Commission also notes that, for the same time period in the "740" NPA, 41 full central office codes were assigned. If the Ohio Commission were authorized to mandate number pooling in those areas outside the top 100 MSAs, it is reasonable to assume that similar benefits would be experienced throughout the NPA, including in those areas in which the 41 NXX codes were assigned.

The Ohio Commission also agrees with Oklahoma's assertion that carriers are reluctant to participate in voluntary number pooling in LNP-capable rate centers outside the top 100 MSAs. As evidenced by Ohio's "740" NPA, only 52 of the 187 rate centers have mandatory pooling and 107 rate centers have optional pooling. The remaining 28 rate centers at this point have no pooling capability, although at least 17 of these rate centers are LNP capable. This incomplete deployment of LNP exists despite the fact that the "740" NPA is almost entirely served by large ILECs such as SBC Ohio and Verizon North and has only one small LEC, serving one rate center. Therefore, we agree with

Oklahoma that many carriers have chosen not to participate in optional pooling, thereby necessitating other carriers to request full NXX codes.

While the Commission notes that optional pooling is certainly more beneficial than no pooling, problems exist in rate centers with optional pooling. For example, due to their "optional" status, some carriers may not be prepared to donate to the number pools in a timely manner and may not take their forecasting obligations seriously. In addition, service providers in optional areas may not have conducted the research necessary to immediately donate clean or slightly contaminated blocks to the pool when requested by the PA. This situation causes a delay in providing numbering resources to a requesting carrier and may force that carrier to have to request a full central office code, thus, eliminating the benefits of pooling and the efficient use of numbering resources. If mandatory pooling existed in the currently optional rate centers, service providers would be required to assess their needs in a timely manner. As a result, blocks of numbers would be donated efficiently and would be available to be assigned when needed. Mandatory pooling would also allow the PA, as well as the state and federal regulators, to ensure compliance with the FCC pooling mandates and perform audits where appropriate.

CONCLUSION

In order to optimize this nation's numbering resources, the FCC should fully utilize all of the tools available, including both LNP and porting, to the

maximum extent possible. To do otherwise would be similar to having the most sophisticated airport tower technology available, but not having the adequate runways to handle the resulting increased air traffic. By mandating pooling in all LNP-capable rate centers now, we will be more prepared to deal with the numbering demands from the new technologies, services, and players on the horizon. Consequently, the Ohio Commission recommends that the FCC grant Oklahoma's petition for delegated authority to implement additional number conservation measures. Further, the Ohio Commission recommends that such delegated authority be extended to all states.

Respectfully submitted,

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Date submitted: November 29, 2004

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

In the Matter of	:	
	:	
Numbering Resource Optimization	:	CC Docket No. 99-200
	:	
Petition of the West Virginia Public Service	:	
Commission for Expedited Decision for	:	
Authority to Implement Additional Number	:	
Conservation Measures.	:	
	:	
Petition of the Nebraska Public Service Com-	:	
mission for Expedited Decision for Authority to	:	
Implement Additional Number Conservation	:	
Measures.	:	
	:	
Petition of the Oklahoma Corporation Commis-	:	
sion for Expedited Decision for Authority to	:	
Implement Additional Number Conservation	:	
Measures.	:	
	:	
Petition of the Michigan Public Service Com-	:	
mission for Additional Delegated Authority	:	
over Numbering Resource Conservation Meas-	:	
ures.	:	
	:	
Petition of the Missouri Public Service	:	
Commission for Additional Delegated Authority	:	
to Implement Number Conservation Measures.	:	
	:	

COMMENTS OF THE
PUBLIC UTILITIES COMMISSION OF OHIO

Introduction

Telephone numbers are once again quickly becoming a scarce resource. As new technologies such as Voice over Internet Protocol, or "VoIP" as it is more commonly known, emerge and existing technologies such as wireless continue to grow, the need for telephone numbers continues to increase at an alarming rate. Unless steps are taken now to conserve the numbers presently available within numbering plan areas (NPAs), NPAs with rate centers both within and outside of the top 100 metropolitan statistical areas (MSAs) will find themselves facing telephone number exhaust. Consistent with this concern, between October 20, 2004, and April 7, 2005, five states – West Virginia, Nebraska, Oklahoma, Michigan, and Missouri – filed petitions with the Federal Communications Commission ("FCC") seeking permission to expand the scope of thousands-block pooling authority.¹ Similarly, the Public Utilities Commission of Ohio ("Ohio Commission") filed a petition for delegated authority (attached hereto) with the FCC on August 17, 2005, requesting that it be granted authority to expand mandatory thousands-block pooling to rate centers within Ohio that fall outside of the top 100 MSAs.² Specifically, the Ohio Commission sought delegated authority to implement mandatory, thousands-block number pooling in all rate centers in Ohio's 330/234, 419/567, 740, and 937 NPAs. In addition, the Ohio Commission, in its comments filed with the FCC in support of three state petitions (Oklahoma, Nebraska, and West Virginia), requested that the FCC delegate such authority to all

¹ See *In the Matter of Number Resource Optimization*, CC Docket No. 99-200, Fifth Further Notice of Proposed Rulemaking (re. Feb. 24, 2006) (hereinafter "FNPRM") [71 Federal Register 13323 (March 15, 2006)].

² *In the Matter of Number Resource Optimization*, CC Docket No. 99-200, Petition for Delegated Authority (hereinafter "Ohio petition").

states.³ Realizing the urgent need to address the growing numbering crises of the NPAs represented in the petitions of Oklahoma, Nebraska, West Virginia, Michigan and Missouri, the FCC granted the requests of the specified states to implement mandatory thousands-block pooling in certain NPAs;⁴ however, the FCC did not act upon Ohio's request that all states be delegated authority to implement mandatory thousands-block number pooling throughout an entire NPA. Instead, the FCC opted to provide opportunity for notice and comment on the request through its Fifth Further Notice of Proposed Rulemaking ("FNPRM").⁵

While the Ohio Commission applauds the FCC for granting the specific petitions of the five states above, the Ohio Commission is disappointed that its petition for delegated authority was not similarly granted by the FCC. The Ohio Commission notes that its petition was substantially similar to those petitions which were granted. Nonetheless, the Ohio Commission appreciates both the steps being taken by the FCC to address this important subject and the opportunity to provide further comments for the FCC's consideration.

Expedited Relief Needed for Ohio's 740 and 937 NPAs

Notwithstanding the FCC's current FNPRM, due to the impending exhaust of the 740 and 937 NPAs, the Ohio Commission again reiterates its request that the FCC grant its pending petition in an expedited manner. In its August 17, 2005, petition, the Ohio Commission noted that, as a result of the FCC's required provisioning of local number portability ("LNP") outside

³ See *In the Matter of Number Resource Optimization*, CC Docket No. 99-200 (Comments of the Public Utilities Commission of Ohio) (Nov. 29, 2004). The comments filed on November 29, 2004, were filed in support of the Oklahoma petition. Comments in support of the Nebraska and West Virginia petitions were subsequently filed and were substantively the same as those filed in support of the Oklahoma petition.

⁴ FNPRM at ¶ 1.

⁵ See *Id.* at ¶ 14.

the top 100 MSAs, almost the entire state of Ohio currently has the availability of LNP, and, therefore, can avail itself of the benefits of number pooling, which will extend the lives of the NPAs.⁶ The Ohio Commission provided statistics to highlight the benefits of pooling to the lives of the NPAs but pointed out that two of our area codes nearest to exhaust are extremely underutilized.⁷ In particular, at the end of 2005, the 740 NPA and the 937 NPA had a total utilization of 33 percent and 38 percent, respectively.⁸ According to the North American Numbering Plan Administrator's ("NANPA") April 27, 2006, NPA Exhaust Forecast, the 740 NPA is scheduled to exhaust in the 3rd Quarter of 2009; and the 937 NPA projected exhaust date is the 2nd Quarter of 2010.⁹ With such short remaining lives and underutilization of telephone numbers in these two NPAs, the Ohio Commission strongly urges that the FCC immediately grant it delegated authority to implement mandatory number pooling in at least these two NPAs. This action would allow Ohio to more efficiently utilize the numbers within those NPAs and to possibly forestall exhaust. The Ohio Commission emphasizes that any area code exhaust is disruptive to the public, and any method of forestalling the need for new area codes best serves the public interest.

While the Ohio Commission will subsequently address the process for granting future state petitions to implement mandatory number pooling as requested in the FNPRM, the Ohio Commission points out that the requested relief for the "740" and "937" NPAs either meets or will shortly meet the requirements under which the FCC granted the petitions of West Virginia,

⁶ Ohio Petition at 3.

⁷ *Id.* at 5.

⁸ These percentages were calculated by Ohio staff using confidential utilization information provided to the North American Numbering Plan Administrator ("NANPA") by carriers requiring numbering resources.

⁹ [Http://www.nanpa.com/pdf/NRUF/April%202006%20NPA%20Exhaust%20Projections.pdf](http://www.nanpa.com/pdf/NRUF/April%202006%20NPA%20Exhaust%20Projections.pdf).

Nebraska, Oklahoma, Michigan and Missouri. Therefore, the Ohio Commission sees no need to delay a ruling on its petition, at least with regard to the "740" and "937" NPAs, until the questions in the FCC's FNPRM are resolved. Under its guidelines for area code relief¹⁰, Ohio will begin relief planning for the "740" NPA in July, 2007 and for the "937" NPA in March of 2008, two years before exhaust. It is the Ohio Commission's hope that, with delegated authority to require mandatory thousands-block number pooling in all rate centers, these anticipated exhaust dates will be delayed to some later time. The Ohio Commission notes that NANPA begins its area code relief process three years before exhaust; consequently, if NANPA were conducting Ohio's relief process, area code relief for the "740" NPA would begin in just a few months with the "937" NPA's process beginning shortly after. No matter whether the planning begins this year or next, the Ohio Commission believes the NPAs are extremely underutilized due, in large part, to the lack of mandatory thousands-block number pooling in all of the rate centers in these NPAs. The issuance of new NPAs will only further exacerbate inefficient utilization of telephone numbers. Therefore, the Ohio Commission believes that it is extremely critical and urgent that the FCC grant its petition for delegated authority as filed or, at a minimum, grant this authority for Ohio's "937" and "740" NPAs.

¹⁰ In its Second Report and Order and Memorandum Opinion and Order (FCC 96-333, August 8, 1996) the FCC required states wishing to continue to exercise their delegated authority to plan and implement area code relief to notify the new NANPA. By letter of February 5, 1998, the Assistant Attorney General of Ohio notified NANPA of Ohio's intention to retain full NPA relief planning oversight authority.

Discussion of FNPRM

The FCC seeks comment on whether mandatory pooling should be extended to rate centers outside the top MSAs by giving the states delegated authority to implement mandatory, thousands-block number pooling at their discretion.¹¹ The FCC also seeks comment on the costs and benefits to various alternative options for the delegation of number pooling authority to the states.¹² Ideally, the Ohio Commission believes that extending mandatory, thousands-block pooling to rate centers outside the top MSAs is of the utmost importance. Ohio, for example, is experiencing an increase in the demand for numbering resources in our more rural areas as competition begins to move into Ohio's rate centers outside of the top 100 MSAs. The Ohio Commission believes that by delegating authority to the states to implement pooling at their discretion, the FCC will be implementing this "next stage" of pooling. Such authority ties directly to the authority given to states to initiate needed area code relief.

State commissions are more closely in tune with the individual companies' capabilities under their jurisdiction, as well as with the needs and desires of those companies' customers. This understanding is especially true with the small local exchange companies ("LECs") in their respective states. In addition, many states constantly monitor the status of the numbering resources within their states and scrutinize the level of competition and the need for numbering resources in their individual NPAs. By delegating to the states the authority to determine the need for mandatory pooling, the FCC is allowing the entity closest to the concerns to remedy the problems. Further, once delegated the authority to implement mandatory, thousands-block

¹¹ See *FNPRM* at ¶ 16.

¹² See *Id.* at ¶ 17.

pooling outside the top 100 MSAs, a state commission will be best able to consider the existence of any "special circumstances" that may be relevant to the implementation of this capability.

Each state's numbering resource situation is unique. For example, consider the number of states with only one NPA and compare their numbering needs to Ohio's numbering concerns. Ohio currently has 10 active NPAs, as well as two overlay NPAs which are temporarily on hold (mainly due to the benefits of mandatory pooling), one NPA forecasted to exhaust in slightly more than three years, and another NPA with a forecasted exhaust in approximately four years. Clearly, Ohio will need to look at numbering optimization differently in some respects than the "one-NPA" states.

By allowing the states to determine when and where to extend mandatory pooling to areas outside of the top 100 MSAs, the FCC is giving the states more flexibility to fit the most appropriate resolution to their immediate numbering resources situation(s). One solution does not necessarily fit all. The level of competition and the demand for numbers often differ even within the various exchanges that comprise an NPA. The remaining life of an NPA may not be the only factor needed to be considered. Implementing mandatory pooling in an NPA several years before it is forecasted to exhaust, rather than waiting until three years before exhaust, will, in fact, extend the life of the NPA even longer because telephone numbers may be assigned more efficiently earlier in the process. Even though a more rural NPA may be relatively close to exhaust due to the NPA's remaining NXX codes, the percentage of actual utilization of the numbers in the NPA may be quite low. Implementing mandatory pooling in such an NPA will extend its life by *sharing* numbers that would be normally stranded without mandatory pooling. Other factors that may need to be considered include whether all of the LECs in an NPA have the ability to pool in their switches and, if they do not do so, the time frame needed for the LECs to

update their switches for this capability. As the Ohio Commission has stated before, state commissions are often more cognizant of such factors than the FCC simply because of their regulatory day-to-day dealings with these companies.

Delegating to states the authority to extend mandatory pooling at their discretion allows the states to eliminate optional pooling if they so choose. The Ohio Commission believes that optional pooling is not an efficient means of numbering optimization. Optional pooling leaves the decision to pool to the discretion of competing service providers that have no incentive to aid their competitors. Ohio has experienced situations where, due to their "optional" status, some companies have not been prepared to donate to the number pools in a timely manner and do not appear to be taking their forecasting obligations seriously. When requests from the Pooling Administrator for donations to the pool are sent to companies in the specific rate centers, service providers in optional areas may not have conducted the research necessary to immediately donate clean or slightly contaminated blocks to the pool. To avoid a delay in obtaining numbers, the competing company requesting numbering resources will consequently be forced to request a full NXX code from NANPA even though unused numbers could be available if the service providers with "optional" pooling had done their "homework". Mandatory pooling would eliminate these problems.

The Ohio Commission asserts that the FCC's existing, case-by-case process to extend mandatory pooling takes too long, even when states ask for the delegated authority to be expedited. During the wait, NXX codes are wastefully assigned, especially in optional pooling areas where the blocks of numbers may never be donated to the pool. Companies' forecasts change, often in mid-stream. Consequently, their numbering needs may increase quickly and may affect the life of the NPA in ways not originally anticipated. If states have the additional

authority to order mandatory pooling at their discretion, they may be able to respond more quickly to the numbering resource situation and, thus, delay the need for area code relief.

Similarly, the Ohio Commission avers that the FCC's alternative proposal of a phased-in approach to expanding number pooling to all rate centers is less desirable than a blanket delegation of authority to implement mandatory, thousands-block number pooling. Rather than waiting to delegate number pooling authority to the states when a specific NPA is within three years of exhaust or some other arbitrary exhaustion criteria, the Ohio Commission advocates that the sooner such authority is delegated to the states, the better that NPA exhaustion can be addressed. This issue can be analogized to taking medicine at the beginning of an illness or waiting until the illness has manifested into something far more severe and is no longer entirely treatable.

The Ohio Commission believes that, once mandatory thousands-block pooling is implemented throughout all rate centers in all NPAs, NANPA should be directed to begin to use 7-digit LRN's (local routing numbers). This practice would allow LRN's to be assigned by a thousand-number block rather than a full NXX code of 10,000 numbers. Such a practice would be another efficient step towards avoiding stranded numbers, especially in underutilized, rural NPAs. In addition, the Ohio Commission believes that such a practice would greatly extend the life of the North American Numbering Plan. The Ohio Commission urges the FCC to consider this option in a future rulemaking procedure.

Finally, with respect to the FCC's request for comment on its Initial Regulatory Flexibility Analysis, the Ohio Commission believes that the affected small telephone companies are more appropriately situated to address the requested analysis. Consequently, the Ohio

Commission will rely on the small telephone companies that may be affected to provide comments regarding the FCC's requested Initial Regulatory Flexibility Analysis.

Conclusion

It is the belief of the Ohio Commission that the FCC's delegation of authority to the states to use their discretion to determine the need to extend mandatory thousands-block pooling to rate centers outside the top 100 MSAs would be a "win-win" situation for all involved, both in terms of benefits and costs. Being able to distribute numbers in thousands blocks is definitely one step closer to a more efficient use of numbering resources. Numbers currently stranded may be assigned to other service providers. All service providers understand what is expected of them with mandatory pooling. Time is not wasted imploring service providers to voluntarily donate blocks of numbers to a pool in an optional pooling area. Overall, number utilization in the NPA improves and fewer NXX codes for pool replenishment are required as compared to the situation under optional pooling. Additionally, it will also conserve critical state and FCC administrative resources associated with the burdensome case-by-case approach the FCC has historically followed. With the more efficient use of numbers, we are forestalling area code relief, a cost-savings for everyone, companies and customers alike. As such, the Ohio Commission strongly encourages the FCC to grant to all states the authority to require mandatory thousands-block number pooling in NPAs and/or rate centers falling outside of the top 100 MSAs.

Respectfully submitted,

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Date submitted: March 15, 2006

**Before the
FEDERAL COMMUNICATIONS COMMISSION**

In the Matter of :
Number Resource Optimization : CC Docket No. 99-200

**PETITION FOR DELEGATED AUTHORITY
BY THE PUBLIC UTILITIES COMMISSION OF OHIO**

I. INTRODUCTION

The Public Utilities Commission of Ohio (PUCO) hereby requests an additional delegation of authority from the Federal Communications Commission (FCC) in order to implement additional number conservation measures in the state of Ohio. Specifically, the PUCO seeks to implement mandatory thousands-block number pooling in those portions of the state in which such pooling is not currently present, including portions of the 330/234, 419/567, 740, and 937 NPAs. Mandatory pooling would then apply to all rate centers in these NPAs, including those outside of the top 100 metropolitan statistical areas (MSA) in which two or more carriers operate that have implemented local number portability.

Previously the FCC, pursuant to its Order of November 30, 1999, in CC Docket No. 96-98, *In the Matter of the Petition of the Ohio Public Utilities Commission for Delegation of Additional Authority to Implement Number Conservation Measures*, granted the PUCO the authority to set NXX code allocation standards; reclaim unused and reserved NXX codes, and thousand number blocks within those codes; investigate and order the return of reserved and

protected central office (NXX) codes; require sequential number assignment; and institute thousands-block pooling trials.

Pursuant to this petition, the PUCO requests that the FCC expand the scope of the PUCO's delegated authority to include mandatory implementation of number pooling for all rate areas in Ohio outside the top 100 Metropolitan Statistical Areas (MSAs) in which two or more carriers operate that use numbering resources and have implemented local number portability (LNP). In support of this petition, the PUCO relies on Section 251(e)(1) of the Telecommunications Act of 1996, which allows the FCC to delegate some or all of its numbering authority. Additionally, the PUCO recognizes that the FCC granted states the authority to implement thousands-block number pooling on an individual basis. This delegation of authority was applicable to either NPAs in the top 100 Metropolitan Statistical Areas (MSAs) or an NPA in which the majority of the wireline carriers in the NPA are LNP capable and the state can demonstrate special circumstances where pooling would be of benefit.¹

Further, although the FCC previously rejected a request to delegate authority to the states to determine on a case-by-case basis whether to extend pooling requirements, it acknowledged that it would entertain requests from state commissions to opt into the rollout schedule for MSAs outside the top 100.²

¹ *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, Report and Order and Further Notice of Proposed Rule Making (rel. March 31, 2000), ¶170.

² *Numbering Resource Optimization*, Third Report and Second Order on Reconsideration (rel. December 28, 2001), ¶21.

As a result of the FCC's required provisioning of local number portability (LNP) outside of the top 100 MSAs³, almost the entire state of Ohio currently has the availability of LNP. By allowing Ohio to extend the benefits of LNP as a result of the deployment of local number pooling beyond the top 100 MSAs, the FCC will be proactively addressing the concern of NPA and NXX exhaust as competition extends beyond the top 100 MSAs.

II. DISCUSSION

Ohio currently has 10 active NPAs (216, 234, 330, 419, 440, 513, 567, 614, 740, and 937), 2 of which are overlays (234 and 567). Ohio also has 7 MSAs in the top 100 MSAs (Columbus, Cincinnati, Cleveland, Akron, Youngstown-Warren, Toledo, Dayton-Springfield). Ohio has mandatory pooling in at least some portion of all of its NPAs due to portions of these top 100 MSAs falling within each of Ohio's NPAs. For the vast majority of the Ohio rate centers located outside of the top 100 MSAs, "optional" or "excluded-from" pooling exists. While recognizing that it has seen the benefits of pooling in all of its NPAs, the PUCO believes that the opportunity for even more benefits lies in having mandatory pooling in all rate centers throughout all of its NPAs.

Four of Ohio's NPAs (216, 440, 513, and 614) have mandatory pooling in the entire NPA. All four are largely urban with at least one top 100 MSA in each NPA. The overall percentage of utilization of numbers is higher in these four NPAs than in the other six NPAs partly due to mandatory pooling. Prior to the implementation of pooling, two of these NPAs (513 and

614) were ready to exhaust and overlay NPAs were already assigned by the North American Numbering Plan Administrator (NANPA). Specifically, in May 2000, the 513 NPA was forecasted to exhaust by the third quarter of 2001 and the 614 NPA was forecasted to exhaust by the third quarter 2002.

Once mandatory pooling was implemented in first quarter 2003 for both the 513 and 614 NPAs in their entirety, the lives of these two NPAs have been increased by 11 and 12 years respectively (based on the latest forecast in April 2005). The two overlays assigned to these NPAs have not been implemented largely due to the benefits of the mandatory pooling. With respect to the 440 and 216 NPAs, mandatory pooling was implemented throughout the entire NPAs in 2002 and 2003 respectfully. When compared to the exhaust forecasts in May 2000, the life expectancies for the 440 and 216 NPAs increased by 9 and 12 years respectively. The following chart illustrates the benefits experienced in Ohio with mandatory pooling in these NPAs:

Area code	May, 2000		April, 2005	
216	2 nd	2004	4 th	2016
440	2 nd	2004	3 rd	2013
513/283*	3 rd	2001	2 nd	2013
614/380*	3 rd	2002	2 nd	2013

* - overlay not yet implemented

Of the remaining 6 NPAs (330/234, 419/567, 740, 937), two of which are overlays, all are more rural with a large amount of optional pooling and rate centers labeled as excluded from pooling. The chart below depicts the May 2000 and April 2005 forecasted exhaust dates for

these NPAs. Specific to the 740 and 937 NPAs, the forecasted exhaust dates have gained less than 2 years and less than 6 years respectively.

Area code	May, 2000		April, 2005	
330/234	3 rd	2009	3 rd	2026
419/567	1 st	2002*	4 th	2017
740	4 th	2006	1 st	2008
937	4 th	2003	2 nd	2009

* - 567 overlay not yet implemented thus not included in this forecast

The PUCO believes that one of the factors for these early exhaust dates in the 740 and 937 NPAs is that numbers are not being utilized in these more rural NPAs as efficiently as they could be if mandatory pooling was required in all the rate centers. The 740 NPA is Ohio's largest and most rural NPA, encompassing almost half of Ohio's 88 counties. Although the 740 NPA is the nearest to exhaust, NANPA reported only a 27 percent utilization of numbers at the end of 2004. The 419 NPA, which has now been labeled as "exhausted" by NANPA, had only a 33 percent utilization of numbers. The 937 NPA was slightly better with 37 percent utilization. The 330 NPA had a 40 percent utilization reported. The PUCO believes that requiring mandatory pooling in all rate centers may be extremely beneficial in resulting in an increased utilization percentage of numbers. Currently, the 740 NPA, for example, has only 28 percent of its rate centers with mandatory pooling. The 419/567 NPA has only 25 percent with mandatory pooling.

The 937 NPA paints a slightly different picture since it includes basically 14 counties, two of which are in the top 100 MSAs of Dayton and Cincinnati. The 937 NPA, consequently, has approximately 68 percent of its rate centers required to have mandatory pooling. The

remaining 32 percent have either optional pooling or are labeled as excluded from pooling. These remaining rate centers are also near the Columbus urban area, another top 100 MSA. By capturing the remaining 32 percent in mandatory pooling and using the remaining available numbers more efficiently, the PUCO believes that we may be able to extend the life of the 937 NPA, thus delaying the need for relief efforts. The 330/234 NPAs are similarly situated to the 937 NPA, although with the 234 overlay in place its exhaust date is several years from now. The 330/234 NPAs cover 11 counties in Ohio and include three, top 100 MSAs (a portion of the Cleveland MSA, Akron/Canton, and Youngstown. Consequently, 67 percent of the rate centers in the 330/234 NPAs have mandatory pooling.

Voluntary number pooling in LNP-capable rate centers outside the top 100 MSAs in Ohio has not worked as efficiently as anticipated. Problems exist in rate centers with optional pooling. Due to their "optional" status, some carriers may not be prepared to donate to the number pools in a timely manner and may not take their forecasting obligations seriously. In addition, service providers in optional areas may not have conducted the research necessary to immediately donate clean or slightly contaminated blocks to the pool when requested by the Pooling Administrator (PA). This situation causes a delay in providing numbering resources to a requesting carrier and may force that carrier to have to request a full central office code, thus, eliminating the benefits of pooling and the efficient use of numbering resources. If mandatory pooling existed in the currently optional rate centers, service providers would be required to assess their needs in a timely manner. As a result, blocks of numbers would be donated efficiently and would be available to be assigned when needed. Mandatory pooling should be

required rather than optional. Optional pooling leaves the decisions to pool to the discretion of competing service providers which have no incentive to aid their own competitors. Mandatory pooling would also allow the PA, as well as the state and federal regulators, to ensure compliance with the FCC pooling mandates and perform audits where appropriate.

The PUCO maintains that the requested additional delegation of authority from the FCC to implement number conservation measures, such as mandatory thousands-block pooling, in the 234/330, 419/567, 740 and 937 NPAs is absolutely necessary given the recent increase in numbering activity in Ohio. Ohio is experiencing an increase in the demand for numbering resources in our more rural areas outside of the top 100 MSAs. The PUCO firmly believes that exhaust dates for a number of its NPAs will move up in NANPA's next forecast. The FCC should allow Ohio to fully utilize all tools available to optimize its numbering resources and to delay any relief efforts.

The 740 NPA, currently projected to exhaust in the 1st quarter of 2008, had 216 blocks assigned in all of 2004. Already in the first half of 2005, 152 blocks have been assigned, 70 percent of the number assigned in 2004. The 937 NPA, projected to exhaust in the 2nd quarter of 2009, has already surpassed the number assigned in 2004 (108) with 114 assigned in the first half of 2005. Also in the first half of 2005, the 937 NPA has more than doubled the number of NXX codes assigned in 2004, with 6 in 2004 and 14 in 2005.

The other two more rural NPAs have also seen a huge increase in numbering activity. The 330/234 NPA combined had 159 blocks assigned in 2004. Already in the first half of 2005, 173 blocks have been assigned. The same is true for the 419/567 NPA. 137 blocks were

assigned in the entire year of 2004 and 169 have already been assigned in 2005 through the end of June. The following chart helps to illustrate the growth in numbering assignment in the Ohio NPAs with optional and excluded pooling rate centers:

Growth Chart

NPA	Codes Assigned in 2004	Codes assigned in 2005 - through June	Blocks Assigned in 2004	Blocks assigned in 2005 - through June
330/234	16	7	159	173
419/567	45	6	137	169
740	49	6	216	152
937	6	14	108	114

Although the 330/234 and 419/567 NPAs have much later exhaust dates, the PUCO believes that now is the time to deal with their optional pooling problems rather than wait until these NPAs are near exhaust and are still experiencing low utilization of the actual numbers available.

III. CONCLUSION

The FCC concluded in the *Second Report and Order* that the "state commissions are uniquely positioned to evaluate the best relief plan on a case-by-case basis and, therefore, the determinations of appropriate relief should be left to state commissions."⁴ By delegating the PUCO the requested additional numbering authority in the 330/234, 419/567, 740, and 937 NPAs, the FCC will place the PUCO in the position to be better prepared to deal with the num-

bering demands from new technologies, services, and players on the horizon. To do otherwise would be similar to having the most sophisticated airport tower technology available, but not giving the air traffic controllers in the local towers the authority to handle the resulting increased air traffic. The FCC will be allowing the PUCO to be able to more fully utilize all of the numbering resource tools available to the maximum extent possible. The PUCO further requests FCC action on this request as soon as possible due to the approaching need to begin area code relief measures, especially in the 740 and 937 rate centers.

Respectfully submitted,

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